

**MEDICAL BOARD OF CALIFORNIA**  
**Disciplinary Guidelines**  
**Specific Language of Proposed Changes**

Amend Section 1361 of Division 13 of Title 16 of the California Code of Regulations to read as follows:

1361. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Division of Medical Quality of the Medical Board of California shall consider the disciplinary guidelines entitled “Manual of Model Disciplinary ~~Guidelines~~ Orders and ~~Model~~ Disciplinary ~~Order~~ Guidelines” (8-9<sup>th</sup> Edition/~~1999~~ 2003) which are hereby incorporated by reference. Deviation from these orders and guidelines ~~and orders~~, including the standard terms of probation, is appropriate where the Division of Medical Quality of the Medical Board of California in its sole discretion determines by adoption of a proposed decision or stipulation that the facts of the particular case warrant such a deviation – for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Sections 2018, Business and Professions Code; and Sections 11400.20 and ~~11400.21~~, Government Code. Reference: Sections 2227, 2228, 2229, and 2234, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.